

CITY OF CARLISLE
REGULAR CITY COUNCIL MEETING
Monday, September 13, 2004
7:00 P.M.
Carlisle City Hall Council Chamber

Officials present were: Mayor Ruth Randleman, Councilmembers Drew Merrifield, Allen Wiese, Pat Stump, Blair Dewey and Frank Shultz, City Administrator/Clerk Neil Ruddy, Deputy Clerk Pat Brehse and City Attorney Robert Stuyvesant.

The meeting was called to order at 7:01 P.M.

Motion by Wiese to APPROVE THE FOLLOWING CONSENT ITEMS: August 9, 2004 Regular City Council meeting minutes, August 23, 2004 Regular City Council meeting minutes, August 18, 2004 Aquatic Center progress meeting minutes, September 3, 2004 Aquatic Center progress meeting minutes, August 18, 2004 Aquatic Center color selection meeting minutes, August 18, 2004 Council Roundtable meeting minutes, August 12, 2004 Library Board meeting minutes, Library Director's report on the August 11, 2004 Pathfinder's Workshop, attendance of Beth Lawrence and Benita Chaput at the IUB 2004 Customer Service meeting in Des Moines on September 28, 2004, attendance of Beth Lawrence and Benita Chaput at the IAMU collection/disconnection workshop in Ankeny on October 18, 2004 and appointment of Michael Robinson as school crossing guard at \$8.77 per time. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Councilmember Stump had the BILLS PAYABLE FOR REVIEW in the amount of \$61,842.70. Motion by Stump to APPROVE PAYMENT OF BILLS IN THE TOTAL AMOUNT OF \$61,842.70. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

Motion by Wiese to APPROVE CHANGE ORDER NO. 2, TO HERBERGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$800.00 FOR PILE EXTENSIONS for the First Street Bridge over the North River. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried. Motion by Wiese to APPROVE PARTIAL PAY ESTIMATE NO. 6, FINAL, TO HERBERGER CONSTRUCTION COMPANY IN THE AMOUNT OF \$23,885.13 for the First Street Bridge over the North River. Seconded by Shultz. Roll call vote: Wiese – Aye, Shultz – Aye, Dewey – Aye, Stump – Aye, Merrifield – Aye. Motion carried.

CITIZEN PARTICIPATION: None.

Council INTERVIEWED CANDIDATES Mike Ermler, Peggy O'Neill and Doug Adamson for the PLANNING AND ZONING COMMISSION VACANCY. Motion by Dewey to APPROVE THE APPOINTMENT OF PEGGY O'NEILL to fill the Planning and Zoning Commission vacancy. Seconded by Shultz. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Leora Sherman, Warren County Nutrition Program Director presented a revised MEAL SITE AGREEMENT WITH WARREN COUNTY. The duration would be through June 30, 2006, there is a 60-day notice requirement and the rental rate remains \$12.00 per day. The current rental rates for other meal site facilities in Warren County are: Lacona - \$18.00 per day for a municipal facility, Martensdale - \$20.00 per day for a private facility and New Virginia - \$20.00 per day for a private facility. It was felt that the Carlisle rate was not equitable with the other rates being paid by Warren County. Staff was directed to request an INCREASE IN THE RENTAL RATE FOR THE CARLISLE MEAL SITE to at least \$18.00 per day.

The AUGUST 24, 2004 PLANNING AND ZONING COMMISSION MEETING MINUTES, including

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recommendations to approve the Michael Van Hamme site plan for a building addition and exterior improvements at 130 N. 1st, to approve the application from Sid Tyler for a modification to the previously approved 1-lot plat of survey within the 2 mile radius of the City of Carlisle for the Myron and Arlene Rawson trust and Charles Peterson for parcel "E", consisting of 5.88 acres in the SE ¼ of the SE ¼ in Sec. 14-77-23 at the intersection of 180th Ave. and Cleveland St., for agricultural purposes only to allow a one lot 4.89 acre split for one single family residence and to approve the application from Robert and Carol Elliott for a one lot plat of survey on a 2.155 acre parcel within the 2 mile radius of the City of Carlisle on the NW ¼ of the NW ¼, section 20, township 77N, range 23 W approximately ½ mile south of Scotch Ridge Road on 140th Avenue for one single family residence, were received and filed.

The MICHAEL VAN HAMME SITE PLAN for a building addition and exterior improvements at 130 N. 1st had been approved by the Council on August 23, 2004, contingent on favorable action by the Planning and Zoning Commission so no additional action was taken. Motion by Stump to APPROVE THE APPLICATION FROM SID TYLER for a modification to the previously approved 1-lot plat of survey within the 2 mile radius of the City of Carlisle for the Myron and Arlene Rawson trust and Charles Peterson for parcel "E", consisting of 5.88 acres in the SE ¼ of the SE ¼ in Sec. 14-77-23 at the intersection of 180th Ave. and Cleveland St., for agricultural purposes only to allow a one lot 4.89 acre split for one single family residence. Seconded by Wiese. City Attorney Stuyvesant stated that he represents both Sid Tyler and Charles Peterson and that the application should also be from Peterson and the Rawson trust as well as Tyler. MOTION AND SECOND WERE WITHDRAWN. Motion by Stump to APPROVE THE APPLICATION FROM CHARLES PETERSON, THE MYRON AND ARLENE RAWSON TRUST AND SID TYLER for a modification to the previously approved 1-lot plat of survey within the 2 mile radius of the City of Carlisle for the Myron and Arlene Rawson trust and Charles Peterson for parcel "E", consisting of 5.88 acres in the SE ¼ of the SE ¼ in Sec. 14-77-23 at the intersection of 180th Ave. and Cleveland St., for agricultural purposes only to allow a one lot 4.89 acre split for one single family residence. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Stump to APPROVE THE APPLICATION FROM KINSIE AND PATRICIA FOUST AND ROBERT AND CAROL ELLIOTT for a one lot plat of survey on a 2.155 acre parcel within the 2 mile radius of the City of Carlisle on the NW ¼ of the NW ¼, section 20, township 77N, range 23 W approximately ½ mile south of Scotch Ridge Road on 140th Avenue for one single family residence. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

The DANAMERE FARMS, INC./HUBBELL REALTY COMPANY DEVELOPMENT PROPOSAL was reconsidered. William Schooler, Jr. stated that the revised ordinance should be considered at a second hearing. City Attorney Stuyvesant stated that the August 9, 2004 hearing was sufficient and that the revision made the original ordinance more restrictive. William Willis, representing Bill Schooler, Sr., requested that a condition be placed on the C-2 zone west of Scotch Ridge Road that would prohibit all liquor uses. Steve Niebuhr of Hubbell Realty opposed such a condition. City Attorney Stuyvesant stated that current language in the ordinance with a modified condition prohibiting cocktail lounge or tavern or nightclub and defining a restaurant as 50% or less in gross income from alcohol sales is the language that was originally requested by the Schoolers on August 23, 2004. Superintendent of Schools Tom Lane stated that the process needs to be fair and that the proposed ordinance would be acceptable. Attorney Willis stated that the modified condition could be placed on the corner lot and the complete exclusion could be placed on the 3 lots west of the corner lot. Motion by Stump to APPROVE THE SECOND READING AND WAIVE THE THIRD READING OF AN ORDINANCE AMENDING ZONING CLASSIFICATIONS FOR PROPERTIES LOCATED IN CARLISLE FROM A-1 TO C-2 WITH CONDITIONS PROHIBITING THE USES OF COCKTAIL LOUNGE OR TAVERN AND NIGHT CLUB WEST OF SCOTCH RIDGE ROAD. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Motion by Stump to APPROVE THE SOUTHWEST SEWER SERVICE AREA POLICY STATEMENT. Seconded by Shultz. Roll call vote: Stump – Aye, Shultz – Aye, Dewey – Aye, Merrifield – Aye, Wiese – Aye. Motion carried.

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The AUGUST 27, 2004 CARLISLE ENVIRONMENTAL EDUCATION CENTER STEERING COMMITTEE MEETING MINUTES, including recommendations to approve the development agreement between the City and Peoples Bank, the Consent to Easement Structures from the Department of the Army Corps of Engineers Real Estate Division and the agreement between the City and Heartland Coop for construction, maintenance and monitoring of a wetland mitigation area were received and filed. The appraisal of the Highway 5 and County Line Road property was received and filed. The value as is (pre-mitigation, without utility infrastructure and road infrastructure improvements) is \$2,750.00 per acre and the value as proposed (post-mitigation; without utility infrastructure and road infrastructure improvements) is \$15,000 per acre. A revised agreement with Peoples Bank proposes a commercial area of approximately 4.75 acres that will be more beneficial both to the City and the developer than the original area of approximately 7.53 acres because the smaller grading quantities reduce the potential negative impact of the grading on the future wetland and also reduce the developer's overall cost. The smaller area also eliminates the need for mitigation of any jurisdictional wetland. The purchase price remains \$20,000 or \$4,210 per acre.

Motion by Wiese to APPROVE RESOLUTION NO. 2004091301 APPROVING THE REVISED DEVELOPMENT AGREEMENT BETWEEN CITY AND PEOPLES BANK for joint acquisition and development of a 47.53 acre tract at Highway 5 and County Line Road. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Stump to APPROVE THE CONSENT TO EASEMENT STRUCTURES FROM THE DEPARTMENT OF THE ARMY CORPS OF ENGINEERS REAL ESTATE DIVISION. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Merrifield – Aye, Wiese – Aye, Shultz – Aye. Motion carried. Motion by Stump to APPROVE RESOLUTION NO. 2004091302 APPROVING THE AGREEMENT BETWEEN THE CITY AND HEARTLAND COOP for construction, maintenance and monitoring of a wetland mitigation area. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye. Motion carried. It is anticipated that the total annexation and development area will include the Wright and Bartholomew and Jorgensen properties to the west.

The 2004 public financing was considered. Motion by Wiese to APPROVE RESOLUTION NO. 2004091303 DIRECTING THE ADVERTISEMENT FOR THE SALE OF \$1,035,000 GENERAL OBLIGATION BONDS, SERIES 2004. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried. Motion by Wiese to APPROVE RESOLUTION NO. 2004091304 FIXING THE DATE OF SEPTEMBER 27, 2004 AT 7:15 P.M FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$330,000 GENERAL OBLIGATION CAPITAL LOAN REFUNDING NOTES, SERIES 2004 of Carlisle, Iowa and providing for publication of notice thereof. Seconded by Dewey. Roll call vote: Wiese – Aye, Dewey – Aye, Stump – Aye, Shultz – Aye, Merrifield – Aye. Motion carried. Motion by Stump to SET A SPECIAL COUNCIL MEETING FOR MONDAY OCTOBER 4, 2004 AT 7:00 P.M. for the sale of bonds. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

Motion by Wiese to APPROVE RESOLUTION NO. 2004091305 ACCEPTING IMPROVEMENTS, EASEMENTS AND DEED FOR SUNRIDGE, PLAT 2. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

A COUNCIL STRATEGIC PLANNING SESSION was discussed. Previous sessions were held on March, 2000 and December 2003. Councilmember Shultz stated that he will not participate in another strategic planning session. Mayor Randleman explained the importance of having a strategic plan and a vision.

The question of whether to conduct a survey or a special advisory election on open burning of yard waste was discussed. Staff was directed to prepare a RESOLUTION REQUESTING A SPECIAL ELECTION ON THE OPEN BURNING OF YARD WASTE for the next Council meeting.

The MIDAMERICAN ENERGY TREE PLANTING GRANT PROGRAM was discussed. Staff was directed to

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obtain a copy of the application.

Motion by Wiese to APPROVE RESOLUTION NO. 2004091306 APPROVING AN AGREEMENT WITH THE CITY OF INDIANOLA FOR AMBULANCE BILLING AND COLLECTIONS SERVICES. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

The installation of KNOX BOX SECURITY SYSTEMS on city facilities and the National Incident Management System were discussed. Staff was directed to install the Knox Box systems as long as the costs are within existing department budgets.

The REQUEST FROM VISTA REAL ESTATE for annexation and utility services at Army Post Road and SE 45th Street was discussed. Motion by Wiese to authorize appropriate staff to NEGOTIATE THE PROVISION OF EXTRA-TERRITORIAL UTILITY SERVICES WITH THE CITY OF DES MOINES. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried.

Damage from FLOODING AT THE CARLISLE STUD AND TRACK BUILDING AT 300 S. GARFIELD was discussed. Jim Mitchell has indicated that the following options currently available to the City: Complete the storm sewer improvements recommended by Lee Engineers and Surveyors, reimburse the cost of raising the building, estimated at \$22,000 and pay outstanding damage claims and purchase the building, estimated at \$80,000 and pay outstanding damage claims. The City's insurance carrier has not made a decision on the damage claim. The establishment of a STORM SEWER UTILITY was recommended if the Council wants to become proactive in the area of storm water control and retention and land acquisition for storm water facilities.

It was reported that Polk County has approved a \$12,500 economic development grant for the aquatic center. Councilmember Shultz stated that he would no longer be attending Council Roundtable meetings. Councilmember Wiese will attend instead. The extension of water and sewer to the North Park garden area, the Curb It! grant program and the Growing Green Communities initiative were discussed.

Motion by Stump to GO INTO EXEMPT SESSION pursuant to chapter 21.5 (j.) of the Iowa Code to discuss purchase of particular real estate and possible action at 11:22 P.M. Seconded by Dewey. Roll call vote: Stump – Aye, Dewey – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried. Motion by Merrifield to CLOSE THE EXEMPT SESSION at 11:40 P.M. Seconded by Shultz. Roll call vote: Merrifield – Aye, Shultz – Aye, Dewey – Aye, Stump – Aye, Wiese – Aye. Motion carried. Motion by Merrifield to BEGIN CONDEMNATION PROCEEDINGS to acquire the property at 201 Garfield. Seconded by Shultz. Roll call vote: Merrifield – Aye, Shultz – Aye, Dewey – Aye, Stump – Aye, Wiese – Aye. Motion carried.

Motion by Shultz to ADJOURN AT 11:45 P.M. Seconded by Wiese. Roll call vote: Shultz – Aye, Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye. Motion carried.

Ruth Randleman, Mayor

Attest:

Neil Ruddy, Administrator/Clerk